NORTH CAROLINA GENERAL ASSEMBLY
1969 SESSION

CHAPTER 496
HOUSE BILL 803

AN ACT TO PROVIDE SUPPLEMENTAL RETIREMENT FUNDS FOR FIREMEN IN THE CITY OF SHELBY AND TO MODIFY THE APPLICATION OF G.S. 118-5, G.S. 118-6, AND G.S. 118-7 TO THE CITY OF SHELBY.

The General Assembly of North Carolina do enact:

Section 1. Disbursements. Notwithstanding the provisions of G.S. 118-7, the Board of Trustees of the Local Firemen's Relief Fund of the City of Shelby shall as soon as practicable after January 1 of each year, but in no event later than July 1, divide the income earned in the preceding calendar year upon investments of funds belonging to the local Firemen's Relief Fund into equal shares and disburse the same as supplemental retirement benefits in accordance with Section 2 of this Act.

Sec. 2. Supplemental Retirement Benefits. (a) Each retired full-time fireman of the City who retires with twenty (20) years' service or more as a City fireman, and who retired subsequent to attaining the age of fifty-five (55) years, shall be entitled to and shall receive an annual supplemental retirement benefit equal to one share for each full year of service as a fireman of the City; provided, in no event shall any retired fireman be entitled to or receive in any year an annual benefit in excess of six hundred dollars ($600.00);

(b) Each retired volunteer fireman of the City who retires with twenty (20) years' service or more as a volunteer fireman of the City, and who retired subsequent to attaining the age of fifty-five (55) years, shall be entitled to and shall receive an annual benefit equal to one quarter (1/4) of one share for each full year of service as a volunteer fireman of the City; provided, in no event shall any retired volunteer fireman be entitled to or receive in any year an annual benefit in excess of one hundred dollars ($100.00);

(c) Any former fireman of the City who is not otherwise entitled to supplemental retirement benefits under this Section, shall nevertheless be entitled to such benefits in any calendar year in which the Board of Trustees makes the following written findings of fact:

(1) that he initially retired from his position as fireman because of his inability, by reason of sickness or injury, to perform the normal duties of an active fireman; and

(2) that, within thirty (30) days prior to or following his initial retirement as a fireman, at least two physicians licensed to practice medicine in North Carolina certified that he was at such time unable, by reason of sickness or injury, to perform the normal duties of an active fireman; and

(3) that, at the time of his initial retirement as a fireman, there was not available to him in the fire department or in any other department of the City a position of employment the normal duties of which he was capable of performing; and

(4) that, since the preceding January 1, at least two physicians licensed to practice medicine in North Carolina have certified that he remains unable, by reason of sickness or injury, to perform the normal duties of an active fireman; and

(5) that there is not available to him in the fire department or in any other department of the City a position of employment the normal duties of which he is capable of performing; provided, that the Board of Trustees, after initially making the findings of fact specified in (1), (2), and (3) of this subsection, need not specify such findings in subsequent calendar years.

Sec. 3. Intention. It is the intention of Sections 1 and 2 of this Act to authorize the disbursement as supplemental retirement benefits only of the income derived in any calendar year from investments of funds belonging to the Local Firemen's Relief Fund.

Sec. 4. Investment of Funds. The Board of Trustees is hereby authorized and directed to invest all of the funds of the Local Firemen's Relief Fund in one or more investments named in or authorized by G.S. 159-28.1.

Sec. 5. Bond of Treasurer. The Board of Trustees shall bond the Treasurer of the Local Firemen's Relief Fund with a good and sufficient bond, in an amount at least equal to the amount of funds in his control, payable to the Board of Trustees, and conditioned upon the faithful performance of his duties; such bond shall be in lieu of the bond required by G.S. 118-6. The Board of Trustees shall pay from the Local Firemen's Relief Fund the premiums on the bond of the Treasurer.

Sec. 6. If any provision of this Act shall be declared invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions hereof which can be given effect without the invalid provision, and to this end the provisions of this Act are declared to be severable.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall be effective on July 1, 1969.

In the General Assembly read three times and ratified, this the 14th day of May 1969.